

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

ARIZONA HALL, JR.,

Petitioner,

v.

CHRIS KOSTER,

Respondent,

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No. 4:16-CV-1528 AGF

MEMORANDUM AND ORDER

This matter is before the Court on Petitioner's motion for judgment on the pleadings. The motion is denied.

The Rules Governing Section 2254 Cases do not permit the district courts to enter judgment on the pleadings. Rule 4 requires dismissal of a petition *sua sponte* when it is plainly apparent that the petitioner is not entitled to relief. However,

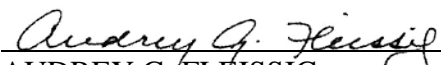
[i]f the petition is not dismissed, the judge must order the respondent to file an answer, motion, or other response within a fixed time . . . In every case, the clerk must serve a copy of the petition and any order on the respondent and on the attorney general or other appropriate officer of the state involved.

Id. As a result, the motion must be denied.

Accordingly,

IT IS HEREBY ORDERED that Petitioner's motion for judgment on the pleadings [ECF No. 29] is **DENIED**.

Dated this 14th day of July, 2017.



AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE